

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EAGLE HARBOR HOLDINGS, LLC, and  
MEDIUSTECH, LLC,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 3:11-cv-05503-BHS

**DECLARATION OF GENEVIEVE  
VOSE IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
FORD'S MOTION FOR  
JUDGMENT ON THE PLEADINGS  
OR, IN THE ALTERNATIVE, TO  
COMPEL SUPPLEMENTAL  
INFRINGEMENT CONTENTIONS**

I, GENEVIEVE VOSE, declare as follows:

1. I am an active member of the State Bar of Washington and an attorney with the law firm of Susman Godfrey L.L.P. I am one of the attorneys representing Eagle Harbor Holdings, LLC and MediusTech, LLC ("Plaintiffs") in this matter. I am over the age of 18 and competent to testify to the facts stated herein.

2. I was part of a team of attorneys who prepared Plaintiffs' infringement contentions. In addition to reviewing publicly available information concerning the Accused Systems, we reviewed technical documentation produced by Ford. Ford first produced

1 documents on December 23, 2011, two days before Christmas. The vast majority of those  
2 documents were irrelevant to Plaintiffs' requests for technical documentation related to the  
3 Accused Systems. Instead, they were patents and other patent-related documents –  
4 presumably references that Ford will allege are prior art.

5         3. After the December 23 production, Ford produced a small quantity of  
6 additional documents, due to specific follow-up requests from Plaintiffs' counsel.

7         4. Ford's production of technical documents remains incomplete. The majority  
8 of the technical documents produced by Ford date from the 2007-2008 time period, and  
9 therefore do not document any changes that the Accused Systems underwent after that time  
10 period. In addition, Ford has yet to produce any software or computer code relating to the  
11 Accused Systems. Because of these deficiencies, Plaintiffs are unable to specify some of the  
12 details Ford has requested in its motion.

13         5. Notwithstanding these deficiencies, Plaintiffs served their infringement  
14 contentions in accordance with the Court's scheduling order on February 2, 2012. True and  
15 correct copies of Plaintiffs' infringement contentions are attached as Exhibits 1 to 12 to this  
16 Declaration. Plaintiffs received a letter from Ford on supposed problems with Plaintiffs'  
17 contentions on February 15, 2012. Plaintiffs responded on February 23, 2012. After that  
18 response, Plaintiffs heard nothing further on the matter for the next month.

19         6. I received a telephone call from Todd Zubler, counsel for Ford, at about  
20 11:00 a.m. on March 22, 2012, the day that Ford filed the present motion. Mr. Zubler  
21 indicated that he was calling to "confirm" that the parties were at an impasse concerning  
22 Plaintiffs' infringement contentions and said that Ford intended to file a motion for judgment  
23 on the pleadings and in the alternative to compel. I said that I would reach out to the rest of  
24  
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1 Plaintiffs' litigation team as to whether we were at an impasse and get back to Mr. Zubler.  
2 Some of the attorneys on Plaintiffs' litigation team were not available that day.

3 7. Mr. Zubler called again a few hours later and left a voicemail letting me know,  
4 for the first time, that Ford intended to file its motion that day. After learning that, I  
5 requested a meet and confer three separate times, explaining that the Rules require such a  
6 meet and confer and that Plaintiffs were willing to engage in the type of dialogue that the  
7 Rules contemplate. Ford filed its motion nonetheless. True and correct copies of the  
8 correspondence from that afternoon are attached as Exhibits 13 to 17 to this Declaration.  
9

10 8. Even after Ford filed its motion, Plaintiffs made an additional offer to  
11 compromise in an attempt to keep the case on the schedule the Court has ordered. Though  
12 Plaintiffs are not required to marshal their evidence through their infringement contentions,  
13 Plaintiffs offered to supplement them to identify supporting documents. Plaintiffs also  
14 suggested a time table for doing so, including a commensurate extension of time for Ford to  
15 serve its non-infringement and invalidity contentions. But Ford refused that offer and  
16 continues to press its motion. True and correct copies of the correspondence concerning  
17 Plaintiffs' offer to compromise are attached as Exhibits 18 to 19 to this Declaration.  
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20 9. Attached as Exhibit 20 is a true and correct copy of docket number 60, Order  
21 Denying Plaintiffs' Motion to Compel in the matter styled *Chassidy F. Lucas v. Joe*  
22 *Camacho, et al.*, No. C11-5350BHS (W.D. Wash. Sept. 8, 2011).  
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24 10. Attached as Exhibit 21 is a true and correct copy of docket number 82, Order  
25 Regarding Fees in the matter styled *Chassidy F. Lucas v. Joe Camacho, et al.*, No. C11-  
26 5350BHS (W.D. Wash. Oct. 17, 2011).  
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11. Attached as Exhibit 22 is a true and correct copy of the document titled Microsoft Auto 3.1 Platform Overview.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 9th day of April, 2012, at Seattle, Washington.

/s/ Genevieve Vose

Genevieve Vose

**CERTIFICATE OF SERVICE**

I hereby certify that on April 9, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record who receive CM/ECF notification.

DATED: April 9, 2012

By: /s/ Genevieve Vose  
Genevieve Vose, WSBA No. 38422